

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTIAN VIERTEL,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.

08 Civ. 7512 (JGK)

01 Cr. 0571 (JGK)

MEMORANDUM OPINION
AND ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached submission, which is a motion to strike docket entries that Petitioner Viertel alleges were fraudulent. There is no basis to change the docket entries, which are consistent with the Indictment filed in this case. The Indictment is part of the record that has been challenged repeatedly and unsuccessfully by the petitioner in his direct appeal and in numerous post-conviction proceedings.

The petitioner also seeks the release of various documents, but the petitioner does not have any applications pending to which the documents would be relevant, and he has failed to show good cause for the discovery that he seeks. See Garafola v. United States, 909 F. Supp. 2d 313, 335 (S.D.N.Y. 2012).

Finally, to the extent that the petitioner seeks to have his conviction vacated, or to have the denial of any previous Court decision in this case reconsidered, he has not

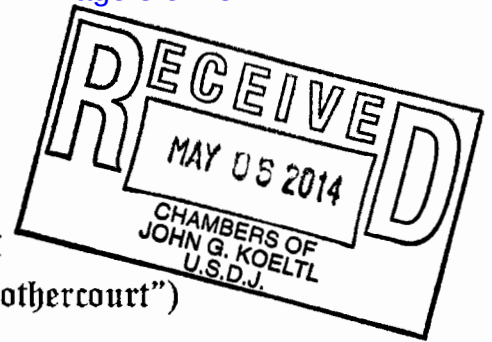
demonstrated any basis for such relief, which has been denied on multiple prior occasions.

For these reasons, the petitioner's application is **denied**.

SO ORDERED.

**Dated: New York, New York
May 7, 2014**

_____/s/_____
John G. Koeltl
United States District Judge



United States District Court
For The Southern District Of New York ("Mothercourt")

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UNITED STATES OF AMERICA,

(faxed to chambers @ 805-7912 on May-06-14)

Plaintiff,

~~VAE-VICTIS~~ MOTION TO LASTLY STRIKE
OUT CORRUPTED DOCKET ENTRIES #1+#2
FOR INAUGURAL DECEIPT, PREJUDICIAL
LACK IN FACT TO NOW RESTORE THE RULE
OF LAW & SANCTITY TO THE COURT'S DUE
PROCESS BURDEN & TO ORDER USANYS TO
SHOW CAUSE WHY DISMISSAL [NUNC PRO
TUNC] SHOULD NOT RESULT FOR ITS GRAND
JURY DECEPTION, ITS FORGED "ARREST
WARRANT", ITS BOGUS FUGITIVE LABELS,
ITS REARWARD STAMPED FALSE BILL, ITS
FILE BACKDATING HOAX FOR A SULPHUROUS
MISSION OBJECTIVE TO FRAME & RETROFIT
BOTH TIME BARRED OVERT ACTS AND WHY
SEVERE SANCTIONS SHOULD NOT FOLLOW

FRITZ G. BLUMENBERG,

CHRISTIAN T. VIERTEL, *defs*

2001 (Gr) 00571- (JGK)

JOHN C. LEE, *exclusive Nolle*

[published <http://bit.ly/1fMcXsd>]

-----X

Greetings to the Court, hereby respectfully moved, to act nobly pursuant to
Movant's substantial showing of unlawful Court entries, statements, and fictitious docket items
that were mal-created to *ex post facto* – backdate-rubberstamp -- a "RETRO-INDICTMENT" that,
by its late departure and arrival, posited the United States impotent *ab initio* to CHARGE a
"Conspiracy §371 claim based upon two sole time-barred overt acts. Below here, the Court's

words¹ give 20/20 hindsight into bad faith government cultivations, when prosecutorial imperialism and career building are at stake and when the Bald Eagle's Pride is really a worthless symbol on a bogus logo.

Today, both branches are silent in face of incontrovertible hard-core docketing facts, the DNA of all federal judicial proceedings which demonstrate that this Court's "inferential" §371 JURISDICTION passed forever away at 6/18/2001 midnight New York time, and what followed was an abundance of pure tort and limitless abuse organized by the Federal Judiciary to protect the second branch and a few careers despite its own.

Jurisdiction to grant this limited motion is by statute and FRCrP.

First Part

Despite prima facie evidence presented and despite a supposed well-trained U.S.D.C. clerk structure for the detection of negligent, false or illogical anomalies and proper correction by ERRATA, this Court not only covertly pardoned openly "mendacious" doctoring by a Magistrate, but usurped "mock Jurisdiction" falsely based upon both justly departed [non-offensive] overt

¹ The Court's own words @ Blumenberg's PLEA proceeding], that demonstrate the un-tolled time-bar on 6/18/2001:

20 THE COURT: One of the overt acts that is alleged in
Conspiracy time barred
21 the indictment is that, on or about June 17, 1996, Christian
22 Viertel caused Agate Reality Corporation to deliver to you an
23 invoice seeking payment of \$8,120 and then, (B) on or about
24 June 19 you submitted to Burda Media that invoice
25 Did you do that? (reply Blumenberg: Can't recall anything.)

SOUTHERN DISTRICT REPORTERS (212) 805 0100

145UBLP Fritz Blumenberg faux guilty plea 4/5/2002 (revoked)

acts² purporting to support a §371 charge [that Thomas Snow, Main DOJ, swiftly dropped in 2002 from his unconscionable MLAT to France which U.S. proctrix Cohen pestered Snow daily to fax to Paris], but the Court also provided continued inter-branch shield support, deliberately scoffed at 1995's mail fraud LAW, repeatedly "ruling" [albeit provisory & subject to revocation] extra-mural statutory authority [ultra vires]. The Court imprudently trespassed its discretionary Art.III license beyond statutory limitations applicable to, inter alia, §371 in furtherance of utter disrespect for Congressional exclusion³ of non-domestic-territorial "international air freight allegations".

Massive effort to cook the public's Court books

The Court combined, confederated and abutted U.S. government plaintiff's "massive effort to cook Court books and to pursue historical revisionism to prosecute in tort" throughout this case, and against two aliens⁴, both being badly hampered by federally schooled, federally intimidated counsel too frightened of retribution to provide effective assistance to doomed defendants, but

²"overt acts", bogus at best, which Kiefer established as untenable and fictitious, because Kiefer alone backdate-stamped the "charged" \$8,120.00 Agate post-pay-out-voucher swiftly upon tray-exit from BURDA's own laser printer a week after these false act allegations.

³"Our goal is simply to vindicate the intended purpose of the statute, that is, to prevent the use of [domestic United States postal mail systems which include UPS, FedEx and private or commercial interstate carriers] in furtherance of fraudulent enterprises." United States v. Von Barta, 635 F.2d 999, 1005 (2d Cir.1980), cert. denied, 450 U.S. 998, 101 S.Ct. 1703, 68 L.Ed.2d 199 (1981) (citations omitted). Others, voicing the concerns underlying the doctrine of strict construction, have taken a narrower view. Several courts have attempted to reconcile these disparate approaches by seeking to discover how far Congress meant to extend § 1341 and by strictly confining the statute within its intended bounds. See United States v. Bohonus, supra; United States v. McNeive, 536 F.2d 1245, 1247 n.3 (8th Cir. 1976). "Statutes like the federal mail fraud statute involved here must be strictly construed in order to avoid extension beyond the limits intended by Congress." United States v. Edwards, 458 F.2d 875, 880 (5th Cir.), cert. denied, 409 U.S. 891, 93 S.Ct. 118, 34 L.Ed.2d 148 (1972).

⁴ Third defendant John Lee, sole citizen, was unceremoniously nolle prossed on 7/3/2002 upon still secret grounds



ready to pass off CJA-vouchers for "~~Crown~~"-compliant "dump-truck" performances. Intent goes to the reason one acts, and "bad faith" goes to why an action was undertaken [this Court was greeted in Texas earlier this year to positive learn, that the Seventh Circuit defined "bad faith" as "*for the purpose of hiding adverse information*"].

Conspiracy cannot be carved out of dead wood.

For the reason stated here and heretofore, and on the basis of most *offensive, sophisticated due process violations* and further, because of sweeping, Kafkaesque Über-*prejudice* through malpractice and support of doctored Court dockets, Movant MOVES to submit hereby that the Court redresses 01-~~05~~71's CASE RECORDS NUNC PRO TUNC, substantively in the format, or congruous format, detailed in Movant's "Proposed ORDER" attached to this MOTION.

Time is of the Essence⁵ in a 12 year phase during which both branches of the United States Government actively continued an enterprise to obstruct the RULE OF LAW and planned to and then withheld these clearly exculpatory Docket-Doctoring⁶ details from Movant and defense, until court staff assisted discovery that the two lower branches massively violated Movant's rights and Public's expectation of FAIRNESS and INTEGRITY in Federal Court proceedings.

Last time Movant checked, the Court system is for the search of the truth

The preparatory act, the staging-set-up, cast Federal Magistrate Pitman [a/k/a the "Docket-Doctor on Pearl", Movant is advised], who either knowingly acted willfully [subject to a current investigation] or was strong-armed to subscribe to what must be portrayed as an "almost real looking", albeit falsified USANYS-attorney brain product typed-up on Court paper "chez MJ White" to serve as a "Whereas Statement", not head-labeled so, by happenstance, what was to be, presumably, a Magistrate Court's ORDER [see DOC#2 or <http://bit.ly/1eor7NE>], but White's brainy bunch inside the "U.S. War-Room" [Court insiders claim] head-labeled their concoction: "INDICTMENT". [NYSD Clerk (jm) fixed that right up to make the Docket look less compromising]. Queen's Counsel they are not, but then, Lawlords & Lawladies don't populate democratically elected Court benches in the U.S..

⁵ Nobel-Laureate Fridtjof Nansen warned 1922:

"make haste, lest it be too late to rue"

⁶ "DocketDoctor-Gate"

Last I was told, Magistrates cannot issue "*INDICTMENTS*", but that's another GOLD STANDARD that would not derail "*well supervised*" members [Weddle, Harris, Canellos et al] of United States attorney Mary White', her "*FRAMERS-TEAM 2-0*".

Doctor Pitman meanwhile back at the bench, knowingly & willfully pretended to have chronicled⁷ bogus blow-by-blow *non-events, vapor applications and invisible "SEALS"* and caused harm thereby to a clueless Nation and 3 clueless inbound defendants, but the Spin-Doctor indisputably certified his *SO ORDERED* ["INDICTMENT"] declaration to have ad hoc, albeit *ignis fatuus*, "SO ORDERED UNSEALMENT" of that same "INDICTMENT" of which *no record existed*⁸, no Court FILING transcribing such proceeding can be found for a day when the Spin-Doctor was not on duty [Doctor was off *honoring* the Old Glory on *U.S. Flag Day 14 June*, Movant was advised].

Conclusively, Grand Jurors "abstained" to VOTE UPON a TRUEBILL 6/14/2001.

PACER IS ÜBER CLEAR

11.06.2011

SDNY CM/ECF Version 4.1.1

CLOSED, APPEAL, CASREF

U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:01-cr-00571-JGK All Defendants
Tuesday June 19, 2001 was the 170th day in the Gregorian calendar.

Case title: USA v. Blumenberg et al

Date Filed: 06/19/2001 <<<<<<

Related Case: 1:08-cv-07512-JGK (No -mj- Case)

Date Terminated: 06/23/2003

The opening CASE Screen on PACER was actually brought up in Movant's COMPULSORY JUDICIAL NOTICE dated March 5, 2014 [which is hereby adopted and incorporated in its entirety],

⁷ unless the "Doctor" was legally purblind, and as such, his seeing-Eye-dog should have gnarled over his <will he, nill he> stubborn intent

⁸ As in "Ripley's Believe it or not", some hallucinatory clerk typed up an "entry notation" - 2 lines since removed - that a SEAL WAS BLOWN - He/she earned to get off scot free for smelling up bathroom toilet seats for that fine contribution from the "Sealed Documents Storage"; Movant heard.

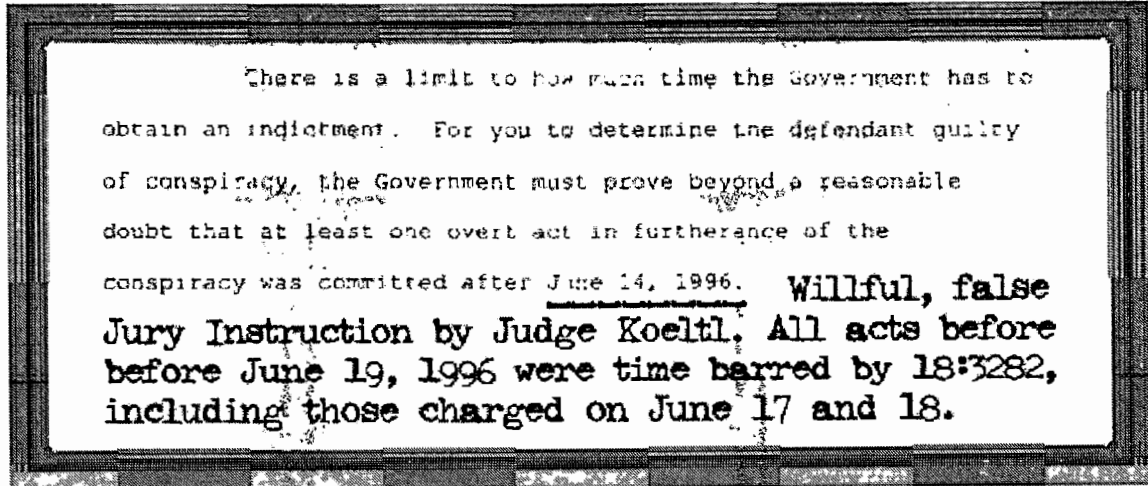


and that screen clearly evidences PACER's PUBLIC ACCESS BASE HEADER, the "meta-data-beef": CASE FILE DATE was 6/19/2001 [see screenshot, redacted, supra] and was not "Filed" on any date or sooner.

The CASE FILE DATE ON RECORD is prima facie evidence

A CASE FILE DATE represents the INAUGURATION of a CASE, civil or criminal; also for tolling & time-bar purposes [unless a "Related Case" was calendared prior, mj-indexed prior and docketed prior for certain tolling & time-bar purposes in an OPEN "non-Art.III" Magistrate COURT. In the NYSD, such a Magistrate Case against Blumenberg was not CALENDERED, MJ-INDEXED or FILED IN OPEN MAGISTRATE COURT for one simple reason: there was no case yet, what meant, no proceeding, no recording, no judicial action prior to June 19, 2001. The Southern District seems to be a real-life Petri dish for all types of pro-judicial, pro-federal malfeasance and for well known protection rackets among each other, as jurists of reason have assured Movant.

Petit Jury Instructions, not worthy of credence, allow the Court hindsight, in this precious, educational post-hoax moment, to draw all jurisdictional consequences DUE PROCESS calls for:



FIAT UT PETITUR

Second Part

Before this CASE was [f]actually filed [on 6/19/2001 around 09:30am⁹, per Court staff's reconstruction] and equally before a Judge "assignment" [eventually JUDGE KOELTL] had taken place [which raised significant doubt by Court insiders - even prior to the Second Circuit's blunt words in Chiasson/ Newman's hearing last week - as to Branch 2's judge-picking culture to shun the "criminal wheel" that could ruin a sordid plan to prosecute and "win at all cost" and reputational debit] the United States government actors commenced this continuing enterprise racket to frame three persons for fame and career, in arrogant defiance of prospects for running significant due process risks and for sanctions, disbarments, once getting caught.

The United States engaged in elaborate lulling and hard-core BRADY-molestation schemes [not really out of character for prosecutors nationwide] to hide their inaugural continuing offensive conduct. Movant was advised by clerks and by probation staff - surely off the record - that the U.S. attorney standard calculation is made upon "comity between the two branches" to keep the lid on proof-tight, block Movant's investigations, assure that demands for LAB-reports are dismissed, Trial Exhibit 501 can be altered scot-free in Open Court, wire-detail-meta-data dumped in the gutter and financial certifications shunned [here, the United States theorized wrongly as to beneficial gain, loss and ownership under §1343], a miscalculation that blew open now since the joint inter-branch racket can no longer shove OPENED RECORDS and NOTES OF DATES under the Courthouse carpet. Coequally, hidden documents, like the 2001 version [S] of AO190 and the Grand Jurors Transcripts, must be revealed, at all cost to the bar.

Incidentally, around 09:00am on 6/19/2001, Magistrate Ann E. Vitunac opened FLSD Magistrate Case #01-5156 against Movant based upon a pseudepigraphous, USANYS falsified Draft ~~Arrest Warrant~~, which "U.S. *Chareidim* proctor Mark Harris" selfie rubberstamped, in lieu of

⁹ The Georgian Calendar was bulled in 1582 by Pope Gregory XIII to give the Julian calendar more flexibility for the solar future and to plug the Sun's 11 minute yearly gap and not to mess up the moon's predictability, not only for Easter. On New Year 1752, Britain and their British colonies in America adopted the new calendar, also because George Washington blowing his B-day candles twice each year, on the 11th and the 22nd of February, was wrecking the political climate. That Christian calendar system meant nothing to the UNITED STATES government in June 2001 after some pow/dler-incensed, cowboy-flavored, anything-goes-whiff blew northwards from 43rd's § White House to Manhattan in June 2001, overloading any breathalyzer-lie-detector. The ogre does what ogres can, became integral part of the Nation's fabric.

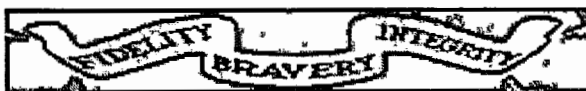


a real judicative seal, i.e. by "Magistrate Michael Dolinger" (signature field – intentionally- blank on the fake warrant draft Movant recuperated from the FLSD with the help of most honest clerks, because the FBI had specifically & illegally removed Harris' bogus "Novelty Warrant" altogether from the certified "complete, redacted" set of FBI-FILES FOIA disclosures) applying such fake stamp of a fictitious "*anime*" Clerk's "signature" specimen (*Melanie L. Lopez*, Clerk, is illusionary) on 6/15/2001 in the Southern District venue that was later that Harris' "Partner" from the FBI's "integrity-squad"¹⁰ faxed to three other district with the object to deceive additional FBI "Resident-Partners" to make false, unconstitutional arrests, a kind of friendly fire. Since then, these actors displayed evasive behaviors, common among the criminal attorney element, to keep detection and removal from bar & power at bay. No more, Movant submits.

Movant was subject to a FALSE ARREST at 0700am, without a valid Arrest ORDER and without a valid INDICTMENT or COPIES of valid instruments which constituted unlawful restraint of an individual's personal liberty or freedom of movement by two federal agents procured (by A.O.A. request) from Boca Police purporting to act according to the law. Both Boca Police officers were roguishly advised by the Federal Bureau of Investigation Integrity Duo to be "in possession of a valid "FUGITIVE" warrant issued by the <hotbed> SDNY", when, in fact a quick fact-check "investigation" would reveal that the FBI's internal priority fax of an "unsigned, unsealed indictment draft" smelled just as foul just as a fantasy "rubber-signature" on a draft A/Warrant Novelty"¹¹. Still, in true American gun-holder fashion, Agents Joseph G. Sconzo and unknown agent John Doe, forced entry into Movant's private family dwelling with firearms drawn, and consequently in tart (forthcoming).

Justice Thomas stated for an unanimous SCOTUS [9-0] in Millbrook v. U.S., 11-10362, that Federal Tort exception waiving immunity from lawsuits against the government "extends to acts or omissions of law

¹⁰ Pun intended FBI-Logo:



INTEGRITY.

DQH, I MISSED also the fake label on POM® juice substitutes.

¹¹ All of which did could not nobly hinder the FBI's attorneys to ignobly deceive (wink, wink) FLSD Judge Hon.Middlebrooks by claiming arrest authority under an entitlement theory for bogus belief, in Florida State even foolish ones, that a lonely "Clerk's" rubber signature on unsigned Arrest Warrants suffices, even while the United States attorneys possessed scieneter that vapor-clerk "*Melanie L.Lopez*" was as real as the GHOST OF PELLANY BRIDGE. (see USA Acosta Brief 12/12/2005 ¶ 18 re FRCrP 9(b) to 4(b)(1) claiming that a real clerk "personally" signed rather than "*Lopez*").

enforcement officers that arise within the scope of their employment, regardless of whether the officers are engaged in investigative or law enforcement activity, or are executing a search, seizing evidence or making an arrest" And that would reach "tort by forging Court documents to frame innocent persons", inter alia.

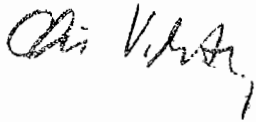
CONCLUSION

For the reasons stated by Movant within and in earlier submissions, this COURT has no credible point of entry not to grant Movant's MOVE FOR AN

ORDER TO SHOW CAUSE WHY DISMISSAL [NUNC PRO TUNC] SHOULD NOT RESULT FOR ITS GRAND JURY DECEPTION, ITS FORGED "ARREST WARRANT", ITS BOGUS FUGITIVE LABELS, ITS REARWARD STAMPED FALSE BILL, ITS FILE BACKDATING HOAX FOR A SULPHUROUS MISSION OBJECTIVE TO FRAME & RETROFIT BOTH TIME BARRED OVERT ACTS AND WHY SEVERE SANCTIONS SHOULD NOT FOLLOW

*Therefore, Movant expects that this MOTION be granted in both parts and its entirety and that the Court swiftly DIRECTS THE OVERDUE RELEASE OF the cloaked AO 190 and the GRAND JURY MINUTES and RECORDS from June 2001, to meet the ends of justice, even if it is not to the personal advantage and interest of the Presider, and to do so in disregard of Movant's *alienage and distance from the JURISDICTION*, and order what other actions are overdue and deemed just and reasonable now, that AG Holder pronounced today, that "too big to jail" is not the current *modus operandi* at US-DOJ.*

Respectfully submitted this 5th day of May 2014 [5th Iyyar 5774]



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CERTIFICATION of Service /s/ Copies of this submission were faxed this day to the Hon. Chief Judge NYSD, Dr. Preska, and emailed to USANYS Preetinder Bharara, and by snail mail to the SDNY Clerk. PROPOSED ORDER ATTACHED (2 Pages)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

01 Cr. 0571 (JGK)

(Proposed)

- Against -

ORDER

CHRISTIAN VIERTEL

JOHN G. KOELTL, District Judge

The Court received the attached **"MOTION to strike-out and correct three inaugural Docket filings in this Case"** from CHRISTIAN VIERTEL, dated May 5, 2014, which it files with this Order.

Whereas, the Court takes judicial notice of NYSD June 2001 dockets, to hold that the Case was not filed with any Judge or Magistrate, and was not sealed on June 14, 2001 by any Judge or Magistrate, but was originally filed 5 days later - unsealed - as in the Case Title: "Date Filed: 06/19/2001 by the government in the morning of June 19, 2001, moments prior to my Assignment.

Whereas, the Court holds, that DOC#2 [a document labeled "INDICTMENT"] was prepared by the ~~Crown~~ government and was not prepared by Magistrate Pitman, who nevertheless signed off "SO ORDERED" on June 19, 2001, "Unsealing a sealed Indictment of June 14, 2001 upon application". The Magistrate's Order was contrived for tolling purposes of Count One, to shoe-in two allegations of time-barred overt acts by CHRISTIAN VIERTEL for prosecution under the Conspiracy statute 18 U.S.C. §371 to unfairly survive.

Whereas, the Court holds that an application to seal the INDICTMENT in this on or after June 14, 2001 purportedly made by United States was a fictitious claim and must be stricken "For All Purposes" from the records.

Whereas, the Court rescinds its MO #91579 dated May 4, 2005 and its MO dated January 30, 2014 and hereby orders public release and docket entry of the June 2001 Grand Jury minutes, transcripts and documents.

Whereas, the Clerk is also directed to strike-out portions and add the exact corrective language to counterfactual entries as detailed below:



Fax transmission Cover Sheet 1+11 pages

6 May 2014

For NYSD: Hon. Chief Judge Preska
Hon. Judge Koeltl



FAX

| | | | |
|----------|------------------------------|----------|------------------------------|
| TO: | United States District Court | FROM: | nuncprotunclaw |
| COMPANY: | New York Southern | COMPANY: | Ist.Di Torre Della Giustizia |
| FAX: | 2128057912 | FAX: | +883510001197405 |
| SUBJECT: | 01-0571 (JGK) | DATE | Tuesday, May 06, 2014 |

